

Docket 13DV-13913

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicant:
M.S. Lamphere et alApplication No.: 09/994,342
Confirmation No: 9845

Filed: 11/26/2001

Title: **Tandem Blik**
Electrochemical Machining

Art Unit: 1742

Examiner: Wilkins, H.

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MAY 18 2004

OFFICIAL**PETITION UNDER RULE 181(a)**
To Withdraw Notice of AbandonmentMail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Petition under 37 CFR 1.181(a) to withdraw the holding of abandonment found in the office action dated 5/14/2004 for failing to reply to the Office letter mailed on 25 September 2003.

The following showing is being presented in accordance with MPEP 711.03(c) to support this Petition based on failure to receive the 9/25/2003 office action.

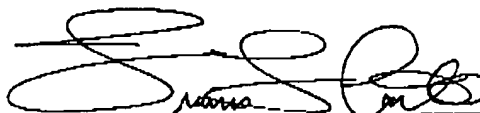
The undersigned attorney is a sole practitioner, and the only person handling docketing matters including receipt of mail correspondence, docketing thereof, file management, and

CERTIFICATE OF TRANSMISSION (37 CFR 1.8a and MPEP 512)

I hereby certify that this 4-PAGE correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. 703-872-9306 on the transmission date indicated below.

FRANCIS L. CONTE

(Name of person transmitting paper)



(Signature of person transmitting paper)

18 MAY 2004

(Date)

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prosecution of such correspondence.

I state that I did not receive the 25 September 2003 Office letter identified in the 5/14/2003 office action; although I did receive that 5/14/2003 office action, as well as the preceding 8/12/2003 office action, for which an amendment response was timely filed by fax on 8/19/2003.

I attest to the fact that I have made a search of the file jacket (i.e. file folder) for the subject application filed under its 13DV-13913 docket number, and that the missing 9/25/03 office action is not contained therein.

I further attest to the fact I have searched my docket record where the nonreceived Office communication would have been entered had it been received, and that the 9/25/03 office action is not contained therein, and therefore was not received.

I further attest that in the last decade of solo practice, this matter appears to be the first instance of not receiving from the USPTO an official correspondence relating to a pending patent application in which a notice of abandonment has been made.

I further attest that it is a virtual certainty that I did not receive the missing office action and that it is practically impossible to have lost the missing office action after receipt, because all incoming business mail is handled solely by me, immediately placed on my work desk for further handling, and all office actions are promptly recorded manually in a sequential, master docket record - and then immediately placed in the file jacket (folder) therefor, and that file jacket is not returned to general file storage, but is instead placed in a conspicuous local storage on the credenza adjacent to my work desk until the office action is timely handled, after which time the file jacket is finally returned to general file storage in a file cabinet therefor.

Attached hereto is a copy of my docket record, which

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includes the complete listing of twenty-eight (28) office actions for the full year 2003, with listed items 28 and 29 being irrelevant.

The docket record has been redacted to remove confidential client information, fee, and work time (hour) information, which, again, does not appear relevant to this petition.

The docket record lists at No. 17 the first office action dated 8/12/03, and its response date of 8/19/03; and includes all received office actions through the end of the year 2003, including the three months following the 9/25/03 mailing date of the missing office action.

The docket record also list at No. 31 the next entry as being received on 3/1/04, which entry is crossed out, and moved to page 21 of the docket record as more accurately being the first received entry in 2004.

Accordingly, withdrawal of the Notice of Abandonment is warranted and is requested; and remailing of the missing 9/25/03 office action is requested.

Respectfully submitted,



Francis L. Conte
Registration No. 29,630
Attorney for Applicant

Date: 18 MAY 2004

6 Puritan Avenue
Swampscott, MA 01907
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Attachment: Single page No. 20 "Amendments" (docket record)

AMENDMENTS										LAW	
	No.	Docket	Title/Serial No./Filed	DATE	FILE	DATE	FILE	DATE	FILE	REMARKS	
12/21/02	77	NCR 8570	09/703212 10/31/02	NOT FILE	12/4 A'	3 MAR 03				Fischer, H	/
	78	NCR 9264	09/871933 6/1/01		12/2 R'	24 FEB 03				Rodriguez, J	
	79	21 MRC 10	10/041863 10/22/01		12/19 R'	13 MAR 03				Patel, E. B.	
	80	130V12618	See 18		12/16 A3	11 MAR 03				Rosenbaum	
			- 2003 -								
	1	NCR 8728	See 58	MR	12/17 A2	93 APR 03				Fisher, A.	
	2	130V13981	09/932595 8/12/01		11/25 R'	7 FEB 03				Edgar, R.	
	3	130V13074	09/907980 7/18/01		12/26 A'	24 MAR 03				Kershteyn, F.	
	4	20 REX 72	10/001536 11/16/2001		1/17 A'	AREX-				NATHANIEL ADIA	
	5	PLR 9438	09/966025 9/28/01 X		12/20 R'	17 MAR 03				Kohner, K.	
	6	130V14203	10/028108 12/20/01		1/27 R'	5 FEB 03				Kocz, M.	
	7	NCR 10056	See 62		2/27 F2	31 MAR 03				Chap, A	
	8	NCR 8728	See 58 + 1		3/27 F	27 MAR 03				Fischer, A.	
	9	130V14203	See 6		4/2 A'	28 MAR 03				McNeil, J.	
	10	21 NCR 77	10/274653 10/21/02		5/7 A'	13 APR 03				Freay, C.G.	
	11	NCR 10448	10/206519 7/26/02		5/12 A'	22 JUL 03				Ahmad, N	
	12	NCR 9817	09/938972 8/24/01 X		5/21 F2	28 JUL 03				Egan, B.P.	
6/12	13	130V1494	See 76		6/5 A3	8 AUG 03				Conroy, J.K.	
6/17	14	NCR 8728	See 8 + 14	X	6/6 F4	23 JUL 03				7/23 Petition	
6/26	15	130V120155	10/345603 1/16/03		6/17 F'	8 AUG 03				Kim, T	
6/22	16	130V13529	See 72		6/18 A3	14 AUG 03				Wilson, L.	new ex
	17	130V13913	09/944342 11/26/01		8/12 R'	14 AUG 03				Wilkins, H	
	18	130V14203	See 9		8/11 A3	29 SEP 03				McNeil	
	19	22 NCR 23	10/372551 2/21/03		8/21 A'	14 NOV 03				Belena	
	20	22 NCR 24	10/338528 1/08/03		8/26 A'	14 NOV 03				Belena	
10/24	21	NCR 10447	10/158653 5/30/02		10/7 A'	14 NOV 03				Egan, B.P.	
10/28	22	NCR 8495	09/651978 11/13/00 X		10/7 A'	20 NOV 03				Patel, S.D.	
10/24	23	130V14194	See 13		10/22 F4	30 JAN 04				Conroy, J.K.	APPEAL
11/3	24	130V13440	10/173009 6/17/02		10/29 A'	30 DEC 03				Edgar, R.R.	
11/3	25	NCR 8728	See 14 Appeal Petition X		10/22 F5	19 DEC 03				Fischer, A.	Appeal
12/8	26	GE 125961	10/355810 01/30/03		12/4 A'	20 FEB 04				SUN, X.	
12/18	27	130V14203	See 18		12/12 F4	2 MAR 04				McNeil	
11/17	28	23 GE 28	Redacted							Hess, (GE)	
	29	23 GE 29	Redacted							Hess, (GE)	
11/16	30	22 NCR 26	10/440933 5/19/03		12/17 A'	5 MAR 04				Belena, J	
9/1	31	NCR 8495	See 72 See 2004							Patel	

Redacted